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[Proposed] Lead Counsel

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

GERALD E. VANGSGARD, on behalf of  
 himself and all others similarly situated,  
  
 Plaintiffs,  
  
 v.  
  
 ARIBA, INC., KIRK A. CRUIKSHANK,  
 RUNE C. ELIASSEN, ROBERT J. DESANTIS,  
 PAUL HEGARTY, EDWARD P. KINSEY,  
 KARL C. KLEISSNER, and KEITH J.  
 KRACH,  
  
 Defendant.

CASE NO.: C-03-277-JF

**DECLARATION OF SEAN M.  
 HANDLER IN SUPPORT OF MOTION  
 TO CONSOLIDATE ACTIONS, TO  
 APPOINT ALETTI GESTIELLE SGR,  
 S.P.A. AS LEAD PLAINTIFF  
 PURSUANT TO SECTION 21D(A)(3)(B)  
 OF THE SECURITIES EXCHANGE  
 ACT OF 1934 AND TO APPROVE  
 PLAINTIFF'S CHOICE OF COUNSEL**

Date: May 12, 2003  
 Time: 9: a.m.  
 Judge: Hon. Jeremy Fogel

DECLARATION OF SEAN M. HANDLER IN SUPPORT OF MOTION TO CONSOLIDATE ACTIONS, TO APPOINT  
 ALETTI GESTIELLE SGA, S.P.A. AS LEAD PLAINTIFF PURSUANT TO SECTION 21D(a)(3)(B) OF THE SECURITIES  
 EXCHANGE ACT OF 1934 AND TO APPROVE PLAINTIFF'S CHOICE OF COUNSEL

1 I, Sean M. Handler, declare under penalty of perjury, this 21st day of March 2003, as  
2 follows:

3 1. I am an attorney at Schiffrin & Barroway, LLP. I submit this Declaration in support  
4 of the motion of Aletti Gestielle SGA, s.p.a. (the "Proposed Lead Plaintiff" or "Movant") to  
5 consolidate actions, for the appointment of Lead Plaintiff and for approval of Lead Plaintiff's  
6 selection of Lead Counsel and Liaison Counsel.

7 2. Attached hereto as Exhibit A is a true and correct copy of the signed certification of  
8 class member Aletti Gestielle SGA, s.p.a. pursuant to the requirements of the Private Securities  
9 Litigation Reform Act of 1995 ("PSLRA"). See 15 U.S.C. § 78u-4(a)(2).

10 3. Attached hereto as Exhibit B is a true and correct copy of the notice to class  
11 members concerning the first-filed of the above-captioned actions that was published on January 21,  
12 2003 on *Business Wire*, advising the public of the pendency of a class action filed on behalf of  
13 shareholders of Ariba, Inc. ("Ariba").


14 4. Attached hereto as Exhibit C is a true and correct copy of a chart of Movant's  
15 transactions in Ariba securities during the relevant Class Period and approximate losses.

16 5. Attached hereto as Exhibit D is a true and correct copy of the firm biography for  
17 Schiffrin & Barroway, LLP, the law firm seeking the Court's approval as Lead Counsel.

18 6. Attached hereto as Exhibit E is a true and correct copy of the firm biography for  
19 Kaplan Fox & Kilsheimer, LLP, the law firm seeking the Court's approval as Liaison Counsel.

20 I hereby declare under penalty of perjury that the foregoing is true and correct.

21  
22 March 24, 2003

23   
24 Sean M. Handler

# **EXHIBIT A**

**CERTIFICATION OF NAMED PLAINTIFF**  
**PURSUANT TO FEDERAL SECURITIES LAWS**

I, (print name) ALETTI GESTHELE SUR SPA ("Plaintiff") declare, as to the claims asserted under the federal securities laws, that:

1. Plaintiff has reviewed the Complaint and authorizes its filing.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of Plaintiff's counsel or in order to participate in any private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary.
4. Plaintiff's transaction(s) in the Ariba, Inc. (Nasdaq: ARBAE) security that is the subject of this action during the Class Period is/are as follows<sup>1</sup>:

<u>No. of Shares</u>	<u>Buy/Sell</u>	<u>Date</u>	<u>Price Per Share</u>

<sup>1</sup>List additional transactions on a separate sheet of paper, if necessary.

5. Plaintiff has complete investment authority and is the agent and attorney-in-fact with full power and authority to bring a suit to recover for investment losses.
6. During the three years prior to the date of this Certification, Plaintiff has sought to serve or served as a representative party or a class in the following actions filed under the federal securities laws (if none, so indicate): NO.
7. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the Court.

8. Are you a current or former employee of the Company: Yes / No (Circle)

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of MARCH, 2003.

Signature

Print Name

Address VIA RONCAGLIA 12 - MILANO

City, State, Zip 20146 - ITALY

Telephone Number (Daytime) +39.02.49967.1

Telephone Number (Evening) /

E-Mail Address bookoffice@gesthele.it

Date	Buy or Sell	Number of Securities	Type of Securities	Price of Securities
1/4/2000	Buy	20,000	Com Stk	188.5016
3/1/2000	Buy	5,000	Com Stk	270.0800
3/31/2000	Sell	15,000	Com Stk	197.7684
4/3/2000	Sell	10,000	Com Stk	93.5032
4/11/2000	Sell	10,000	Com Stk	84.7785
5/16/2000	Buy	20,000	Com Stk	70.1016
5/17/2000	Buy	15,000	Com Stk	68.7854
5/22/2000	Buy	10,000	Com Stk	54.1000
5/24/2000	Buy	5,000	Com Stk	51.7500
6/8/2000	Buy	10,000	Com Stk	81.4375
6/20/2000	Buy	10,000	Com Stk	87.4375
6/29/2000	Sell	20,000	Com Stk	92.6797
7/14/2000	Sell	25,000	Com Stk	125.1458
7/19/2000	Buy	10,000	Com Stk	129.3438
7/20/2000	Buy	10,000	Com Stk	131.8200
7/28/2000	Sell	10,000	Com Stk	110.5588
7/31/2000	Sell	10,000	Com Stk	103.0591
8/8/2000	Buy	10,000	Com Stk	142.0830
9/28/2000	Sell	1,000	Com Stk	148.4951
10/19/2000	Buy	4,000	Com Stk	122.4766
10/26/2000	Buy	3,000	Com Stk	112.1979
10/31/2000	Buy	1,000	Com Stk	124.1000
11/3/2000	Buy	6,000	Com Stk	134.2083
11/9/2000	Buy	3,000	Com Stk	106.9792
11/17/2000	Sell	10,000	Com Stk	77.7606
11/22/2000	Buy	3,000	Com Stk	69.4333
11/22/2000	Sell	1,000	Com Stk	67.7196
11/29/2000	Buy	1,000	Com Stk	60.5625
12/1/2000	Sell	10,000	Com Stk	61.7479
12/5/2000	Buy	5,000	Com Stk	67.8750
12/11/2000	Buy	4,000	Com Stk	86.3766
12/11/2000	Buy	10,000	Com Stk	88.2781
12/13/2000	Sell	5,000	Com Stk	78.2266
12/13/2000	Sell	10,000	Com Stk	78.2266
1/8/2001	Sell	2,000	Com Stk	35.9844
1/10/2001	Sell	3,000	Com Stk	37.3917
1/23/2001	Buy	2,000	Com Stk	38.0000
1/24/2001	Buy	30,000	Com Stk	42.0000
1/24/2001	Buy	15,000	Com Stk	42.1667
2/22/2001	Buy	5,000	Com Stk	18.4375
3/9/2001	Sell	20,000	Com Stk	11.7000
10/22/2001	Buy	150,000	Com Stk	3.0567
1/8/2002	Buy	64,900	Com Stk	7.4056
1/11/2002	Buy	25,800	Com Stk	7.2000
2/27/2002	Sell	240,700	Com Stk	4.6985

# **EXHIBIT B**



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### Press Release

Source: Milberg Weiss Bershad Hynes & Lerach LLP

## Milberg Weiss Files Class Action Suit Against Ariba, Inc.

Tuesday January 21, 7:30 pm ET

SAN DIEGO--(BUSINESS WIRE)--Jan. 21, 2003--Milberg Weiss (<http://www.milberg.com/cases/aribainc/>) today announced that a class action has been commenced in the United States District Court for the Northern District of California on behalf of purchasers of Ariba, Inc. ("Ariba") (NASDAQ:ARBA - News) publicly traded securities during the period between January 11, 2000 and January 15, 2003 (the "Class Period").

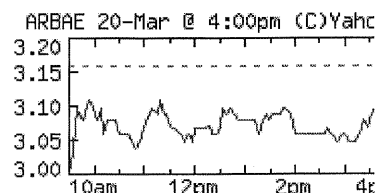
If you wish to serve as lead plaintiff, you must move the Court no later than 60 days from today. If you wish to discuss this action or have any questions concerning this notice or your rights or interests, please contact plaintiff's counsel, William Lerach or Darren Robbins of Milberg Weiss at 800/449-4900 or via e-mail at [wsl@milberg.com](mailto:wsl@milberg.com). If you are a member of this class, you can view a copy of the complaint as filed or join this class action online at <http://www.milberg.com/cases/aribainc/>. Any member of the purported class may move the Court to serve as lead plaintiff through counsel of their choice, or may choose to do nothing and remain an absent class member.

The complaint charges Ariba and certain of its officers and directors with violations of the Securities Exchange Act of 1934. Ariba is a spend-management software solutions provider. Ariba provides software, services and network access to enable corporations to evaluate and manage the cash costs associated with running their business. On January 15, 2003, the Company issued a press release entitled, "Ariba Provides Update on Accounting Review and Restatement of Financial Statements." The press release stated in part: "Ariba, Inc. announced today that it will restate its financial statements for the fiscal years ended September 30, 2001 and 2000 and for the quarters ended March 31, 2000 through June 30, 2002 as a result of an ongoing review of accounting matters." While Ariba's financial statements were admittedly false, the Company's top officers and directors took advantage of this and sold nearly \$692 million worth of their Ariba shares to the unsuspecting public.

Plaintiff seeks to recover damages on behalf of all purchasers of Ariba publicly traded securities during the Class Period (the "Class"). The plaintiff is represented by Milberg Weiss Bershad Hynes & Lerach LLP, who has expertise in prosecuting investor class actions and extensive experience in actions involving financial fraud.

Milberg Weiss Bershad Hynes & Lerach LLP, a 170-lawyer firm with offices in New York, San Diego, San Francisco, Los Angeles, Boca Raton, Seattle and Philadelphia, is active in major litigations pending in federal and state courts throughout the United States. Milberg Weiss has taken a leading role in many important actions on behalf of defrauded investors, consumers, and companies, as well as victims of World War II

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### Related News Stories

- [Leading Research Firm Positions Ariba as a Visionary in First Strategic Sourcing Magic Quadrant](#) - PR Newswire (Wed Mar 19)
- [Ariba Hits the Target with Spend Management, According to Independent Research Firm](#) - PR Newswire (Mon Mar 17)
- [\[external\] Class-action suits could drop to '97 levels](#) - at CBS MarketWatch (Sun Mar 9)
- [Ariba Holds 'Top Spot' in Procurement and Sourcing for Second Consecutive Year According To Leading Research Firm](#) - PR Newswire (Thu Mar 6)

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- By industry: [Class action](#), [Computers](#), [Law](#)

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- [Stocks Rise on Hope War Is Quick](#) - Reuters (4:52 pm)
- [Forecasting Gauge Dips; Lab Market Soft](#) - Reuters (1:55 pm)
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and other human rights violations, and has been responsible for more than \$30 billion in aggregate recoveries. The Milberg Weiss website (<http://www.milberg.com>) has more information about the firm.

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**Contact:**

Milberg Weiss Bershad Hynes & Lerach LLP  
William Lerach, 800/449-4900  
[wsl@milberg.com](mailto:wsl@milberg.com)

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Source: Milberg Weiss Bershad Hynes & Lerach LLP

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# **EXHIBIT C**

\* Set-Off Price \$2.92

## ARIBA, INC. ESTIMATED LOSSES - EXHIBIT "C"

CLASS PERIOD: 01/11/00 - 01/15/03

PLAINTIFF	PURCHASE TRANSACTIONS				SALES TRANSACTIONS				SHARES HELD AS OF 01/15/03	ESTIMATED VALUE	ESTIMATED LOSSES
	DATE	SHARES	PRICE	PURCHASE AMOUNT	DATE	SHARES	PRICE	SALES AMOUNT			
Aletti Gestielle SGR, SPA	1/4/2000	20,000	188.5016	3,770,032.00							(3,770,032.00)
	3/1/2000	5,000	270.0800	1,350,400.00							(1,350,400.00)
	5/16/2000	20,000	70.1016	1,402,032.00							(1,402,032.00)
	5/17/2000	15,000	68.7854	1,031,781.00							(1,031,781.00)
	5/22/2000	10,000	54.1000	541,000.00							(541,000.00)
	5/24/2000	5,000	51.7500	258,750.00							(258,750.00)
	6/8/2000	10,000	81.4375	814,375.00							(814,375.00)
	6/20/2000	10,000	87.4375	874,375.00							(874,375.00)
	7/19/2000	10,000	129.3438	1,293,437.50							(1,293,437.50)
	7/20/2000	10,000	131.8200	1,318,200.00							(1,318,200.00)
	8/8/2000	10,000	142.0830	1,420,830.00							(1,420,830.00)
	10/19/2000	4,000	122.4766	489,906.40							(489,906.40)
	10/26/2000	3,000	112.1979	336,593.70							(336,593.70)
	10/31/2000	1,000	124.1000	124,100.00							(124,100.00)
	11/3/2000	6,000	134.2083	805,249.80							(805,249.80)
	11/9/2000	3,000	106.9792	320,937.60							(320,937.60)
	11/22/2000	3,000	69.4333	208,299.90							(208,299.90)
	11/29/2000	1,000	60.5625	60,562.50							(60,562.50)
	12/5/2000	5,000	67.8750	339,375.00							(339,375.00)
	12/11/2000	4,000	86.3766	345,506.40							(345,506.40)
	12/11/2000	10,000	88.2781	882,781.00							(882,781.00)
	1/23/2001	2,000	38.0000	76,000.00							(76,000.00)
	1/24/2001	30,000	42.0000	1,260,000.00							(1,260,000.00)
	1/24/2001	15,000	42.1667	632,500.50							(632,500.50)
	2/22/2001	5,000	18.4375	92,187.50							(92,187.50)
	10/22/2001	150,000	3.0567	458,505.00							(458,505.00)
	1/8/2002	64,900	7.4056	480,623.44							(480,623.44)
	1/11/2002	25,800	7.2000	185,760.00							(185,760.00)
					3/31/2000	15,000	197.7684	2,966,526.15			2,966,526.15
					4/3/2000	10,000	93.5032	935,031.80			935,031.80
					4/11/2000	10,000	84.7785	847,784.70			847,784.70
					6/29/2000	20,000	92.6797	1,853,594.20			1,853,594.20
					7/14/2000	25,000	125.1458	3,128,645.75			3,128,645.75
					7/28/2000	10,000	110.5588	1,105,588.10			1,105,588.10
					7/31/2000	10,000	103.0591	1,030,590.60			1,030,590.60
					9/28/2000	1,000	148.4951	148,495.05			148,495.05
					11/17/2000	10,000	77.7606	777,606.10			777,606.10
					11/22/2000	1,000	67.7196	67,719.63			67,719.63

CLASS PERIOD: 01/11/00 - 01/15/03

## ARIBA, INC. ESTIMATED LOSSES - EXHIBIT "C"

\* Set-Off Price \$2.92

PLAINTIFF	PURCHASE TRANSACTIONS				SALES TRANSACTIONS				SHARES HELD AS OF 01/15/03	ESTIMATED VALUE	ESTIMATED LOSSES
	DATE	SHARES	SHARE PRICE	PURCHASE AMOUNT	DATE	SHARES	SHARE PRICE	SALES AMOUNT			
					12/1/2000	10,000	61.7479	617,479.40			617,479.40
					12/13/2000	15,000	78.2266	1,173,398.85			1,173,398.85
					1/8/2001	2,000	35.9844	71,968.80			71,968.80
					1/10/2001	3,000	37.3917	112,175.10			112,175.10
					3/9/2001	20,000	11.7000	234,000.00			234,000.00
					2/27/2002	240,700	4.6985	1,130,928.95			1,130,928.95
						467,700	**		65,000.00	2.92	189,800.00
											(4,782,768.06)

\* Set-Off Price is the moving mean average of Ariba from the date of disclosure, January 16, 2003 through March 21, 2003.

\*\* Reflects the 2:1 split on 4/3/00.

# **EXHIBIT D**



## FIRM BIOGRAPHY

Schiffrin & Barroway, LLP, located just outside of Philadelphia, has specialized in complex class action litigation for over fifteen years, representing stockholders and consumers in class action litigation in state and federal courts throughout the United States. During the firm's successful history, Schiffrin & Barroway has recovered over one billion dollars for defrauded stockholders and aggrieved consumers. The firm, which has developed a nationwide reputation for excellence, is led by its senior partners, Richard S. Schiffrin and Andrew L. Barroway, with assistance from partners, Marc A. Topaz, David Kessler, Krishna B. Narine, Katharine M. Ryan, Stuart L. Berman, and Jacob A. Goldberg and numerous experienced associates and staff.

The firm focuses primarily on the prosecution of securities fraud litigation, derivative actions and transactional litigation brought against public companies, executives, auditors and investment banking firms. In addition, Schiffrin & Barroway represents consumers in drug and product litigation as well as employees in ERISA/401K litigation.

Schiffrin & Barroway has represented various private institutional investors and public funds, as well as hundreds of individual investors as Lead or Co-Lead Counsel in class action litigation in state and federal courts throughout the United States. Currently, Schiffrin & Barroway is acting as Lead or Co-Lead Counsel in class action suits against such companies as Tyco, Halliburton, Computer Associates, and various others. Additionally, Schiffrin & Barroway was recently selected

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Internet: [www.sbclasslaw.com](http://www.sbclasslaw.com)

by the State of New Jersey to represent the State's interests in the class action litigation against Tenet Healthcare Corporation (*In re Tenet Healthcare Corp. Securities Litigation*, No. CV-02-8462-RSWL) and was approved as Co-Lead Counsel in the case. Schiffrin & Barroway is currently involved in several other high profile cases across the country. Of particular note, we are currently prosecuting the action *In re Initial Public Offering Securities Litigation*, Master File No. 21 MC 92 (S.D.N.Y. Dec. 12, 2002)(SAS), as one of only six law firms comprising Plaintiffs' Counsel's Executive Committee. Our firm was selected from over sixty law firms which had brought such actions. This litigation, which is pending in the Southern District of New York, challenges the legality of the IPO allocation practices of virtually all of the major investment banking firms from 1998 through 2000 and encompasses over 300 coordinated actions. In addition, we are particularly proud of the results recently achieved as sole lead counsel before the Honorable Joel A. Pisano in *In re AremiSoft Corp. Sec. Litig.*, C.A. No. 01-CV-2486 (D.N.J. 2002). This case was extraordinarily complex as it involved the embezzlement of hundreds of millions of dollars by former officers of the Company who are now fugitives. The settlement of the action against the Company allowed for the Company to be reorganized so it could continue operations while establishing a litigation trust to pursue claims against the Company's auditors, its counsel, as well as those individuals that looted the Company. The Settlement provides the class with a majority of the equity in the new company, Softbrands, as well as their pro rata share of all monies recovered by the litigation trust. The Court-appointed co-trustees of the litigation trust have retained Schiffrin & Barroway to continue prosecuting the actions on behalf of the litigation trust. In this capacity, we have filed an action in the Isle of Man successfully freezing more than \$175 million of stolen funds and are in the process of attempting to recover the money. In addition, we are continuing to pursue the litigation trust's claims against the Company's outside auditors and attorneys. The *AremiSoft*

litigation is a perfect example of one area of the firms expertise, which is to creatively structure of settlements with financially troubled companies.

For clients with large investments, Schiffrin& Barroway will monitor their securities holdings, calculate their losses and alert them when actions relating to their holdings have been filed and/or settled. We also offer advice regarding joining an action, seeking to be a lead plaintiff, opting out of an action, bringing an individual action, and/or filing proofs of claim in order to share in a recovery as a class member.

Further information regarding the firm, the services which we provide, and cases which we are currently litigating can be found on our web-site at <http://www.sbclasslaw.com>.

**RICHARD S. SCHIFFRIN**

Mr. Schiffrin, a founding partner of the firm, received his law degree from DePaul University College of Law in 1979, where he was a member of the DePaul Law Review. Mr. Schiffrin is licensed to practice law in Illinois and Pennsylvania, and has been admitted to practice before numerous United States District Courts. In his seven years of practice with the Office of the Public Defender of Cook County, Illinois, Mr. Schiffrin represented hundreds of clients in both bench and jury trials, as well as appeals. Mr. Schiffrin has also taught legal writing and appellate advocacy at John Marshall Law School and has served as a faculty member at numerous legal seminars including the Annual Institute on Securities Regulation, NERA:Finance, Law & Economics - Securities Litigation Seminar, the Tulane Corporate Law Institute, and the CityBar Center for CLE (NYC):Ethical Issues in the Practice of Securities Law. Mr. Schiffrin oversees all aspects of litigation on behalf of the firm. Mr. Schiffrin has been recognized for his expertise in numerous cases including most prominently:

- *In re AremisSoft Corp. Sec. Litig.*, C.A. No. 01-CV-2486 (D.N.J. 2002)



In settling this action, which involved the embezzlement of hundreds of millions of dollars by former officers of the Company who are now fugitives, Mr. Schiffrin assisted in reorganizing the Company to allow for it to continue operations, while successfully separating out the securities fraud claims and the bankrupt Company's claims into a litigation trust. Mr. Schiffrin, along with Schiffrin & Barroway partner Stuart Berman, crafted a settlement which calls for the class to receive the majority of the equity in the new company, as well as their pro rata share of any amounts recovered by the litigation trust. In addition, Court-appointed co-trustees of the litigation trust, Joseph P. LaSala, Esq. and Fred S. Zeidman, chose to retain Mr. Schiffrin and the firm to continue to prosecute the actions on behalf of the litigation trust. In this capacity, the firm filed an action in the Isle of Man and successfully froze more than \$175 million of stolen funds and is in the process of attempting to recover the money on behalf of the litigation trust. In addition, Mr. Schiffrin and the firm continues to litigate the trust's claims against the Company's outside auditors and attorneys.

- *Henry v. Sears, et al, Case No. 98 C 4110 (N.D. Ill. 1999):*

Schiffrin & Barroway served as Lead Counsel on behalf of the largest class of credit card holders in history. At stake was the right of Sears and its newly formed affiliate, Sears National Bank ("SNB"), to retroactively increase the interest rates on eleven million credit card accounts with outstanding balances resulting from purchases made prior to the accounts being transferred to SNB. Schiffrin & Barroway alleged that such conduct violated the Truth-in-Lending Act ("TILA"), the National Banking Act and state consumer fraud statutes. After extensively litigating various aspects of liability, an additional nine months were then spent determining damages. The extraordinary complexity of the damage calculations required Mr. Schiffrin and experts from both parties to develop, test and utilize a novel computer model to ascertain total damages for the class and individualized damages for each class member. Ultimately, Mr. Schiffrin and his partner, Mr.

Kessler, were able to negotiate a \$156 million settlement, which represented approximately 66% of total damages. In approving the settlement, District Court Judge Leinenwebber of the Northern District of Illinois stated:

. . . I am pleased to approve the settlement. I think it does the best that could be done under the circumstances on behalf of the class. . . . The litigation was complex in both liability and damages and required both professional skill and standing which class counsel demonstrated in abundance.

The entire settlement fund of \$156 million was distributed without the filing of a single proof of claim form by any class member.

- *Wanstrath v. Doctor R. Crants, et al., C.A. No. 99-1719-III (Tenn. Chan. Ct., 20<sup>th</sup> Judicial District, 1999):*

Schiffrin & Barroway served as Lead Counsel in a derivative action filed against the officers and directors of Prison Realty Trust, Inc., challenging the transfer of assets from the Company to a private entity owned by several of the Company's top insiders. Numerous federal securities class actions were pending against the corporation at this time. Through the derivative litigation, the Company's top management was ousted, the composition of the Board of Directors was significantly improved and important corporate governance provisions were put in place to prevent future abuse. Mr. Schiffrin, in addition to achieving these desirable results, was able to personally effectuate a global settlement of all pending litigation against the backdrop of an almost certain bankruptcy. The case was resolved in conjunction with the federal securities cases for the payment of approximately \$50 million by the Company's insurers and the issuance of over 46 million shares to the class members.

- *Jordan v. State Farm Insurance Company, Case No. 97 CH 11 (Circ. Ct., McLean County,*

*Ill.1998*):

Schiffirin & Barroway brought a claim on behalf of multiple plaintiffs alleging that State Farm had engaged in fraudulent sales practices by "churning" policies and marketing and selling "vanishing premium" policies that never "vanished." After several years of discovery, motion practice and settlement negotiations, Mr. Schiffirin played a critical role in resolving the action for \$225 million in cash, dividend enhancements and other monetary benefits for current and former State Farm policyholders. Schiffirin & Barroway also has achieved substantial settlements in 20 additional cases alleging fraudulent sales practices by various insurance companies.

Mr. Schiffirin also has represented defrauded shareholders and companies in complex class and derivative actions including the following:

- *Huscher v. Curley, et. al., No. 00 Civ. 21379 (Mich. Cir. Ct., 2000) (In re Sotheby's Holdings, Inc. Derivative Litigation):*

Schiffirin & Barroway served as Lead Counsel in a derivative action arising out of Sotheby's alleged antitrust price fixing conspiracy with auction house rival Christie's International PLC. A multi-million dollar settlement was negotiated by Mr. Schiffirin whereby Diana Brooks (Sotheby's President at the time of the alleged wrongdoing) agreed to relinquish all of her Sotheby's stock options and the Company's insurance carrier made a substantial monetary payment to the Company. In addition, significant changes in the Company's top management and Board of Directors were achieved in conjunction with the settlement of the litigation.

- *Dana v. Trans Lux Corp., et al., Del. Ch., C.A. No. 9755 (settlement approved Aug. 4, 1988), aff'd sub nom., Nottingham Partners v. Dana, 564 A.2d 1089 (Del. 1989):*

Schiffirin & Barroway, as Co-Lead Counsel, challenged the board of directors' adoption of anti-takeover provisions in the company's by-laws and certificate of incorporation. The plaintiff agreed to settle his claims in exchange for a nullification of certain certificate amendments, a change

in the by-laws, and an expansion of the company's stock repurchase program. The Chancery Court noted that "a good part of the Dana lawsuit is being settled on a hundred percent basis .... [I]t wouldn't be inaccurate to say that the settlement would represent a complete victory for the Dana plaintiffs."

**ANDREW L. BARROWAY**

Andrew L. Barroway, a partner of the firm, received his law degree from the University of Pennsylvania Law School, where he was a member of the ABA Negotiation team. He is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania. Mr. Barroway has been actively involved in all aspects of litigation on behalf of the firm, and co-manages the firm's securities department. Of his numerous successful representations of shareholders, several stand out as exceptional:

- *In re: Digital Lightwave, Inc. Securities Litigation, Consolidated Case No. 98-152-CIV-T-24E (M.D. Fla. 1999):*

Schiffirin & Barroway served as Co-Lead Counsel in one of the nation's most successful securities class actions. After extensive litigation and negotiations, Mr. Barroway negotiated a settlement of over \$180 million in cash and stock, a recovery representing in excess of two hundred percent (200%) of class members' losses. Schiffirin & Barroway believes that this settlement represents the largest percentage recovery for shareholders in securities class action history.

- *In re PaineWebber Short-Term U.S. Government Fund Securities Litigation, No. 94-3820 (S.D.N.Y. 1994):*

Schiffirin & Barroway served as Co-Lead Counsel on behalf of plaintiffs alleging violations of the federal securities laws based upon material misrepresentations concerning the Fund's investment objectives and the risks associated with the Fund. Pursuant to the settlement, defendants

made payments and provided fee waivers totaling more than \$36 million, \$33 million of which was in cash. In addition, defendant PaineWebber repurchased ten mortgage-backed securities from the Fund for an aggregate price in excess of \$50 million, thus removing the illiquid securities from the Fund.

Mr. Barroway, along with his partner, Mr. Kessler, has also recently negotiated substantial settlements of securities class actions in which Schifffrin & Barroway was Lead or Co-Lead Counsel against Pinnacle Holdings, Cell Pathways, Gateway, Mercator and NetSolve. Mr. Barroway currently represents numerous public and private investment funds, money management firms and individuals in securities fraud litigation as Lead Counsel in actions against Accelerated Networks, ATI Technologies, CompUSA, Livent, NX Networks, Penn Treaty, Performance Technologies, Republic New York, Steven Madden, Vari-L, Kindred Healthcare, The Interpublic Group of Companies, Tenet Healthcare Corporation, and various others.

**MARC A. TOPAZ**

Mr. Topaz, a partner of the firm, received his law degree from Temple University School of Law, where he was an editor of the Temple Law Review and a member of the Moot Court Honor Society. He also received his Master of Law (L.L.M.) in taxation from the New York University School of Law where he served as an editor of the New York University Tax Law Review. He is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania. Mr. Topaz manages the firm's derivative and transactional departments. In this regard, Mr. Topaz has been actively involved in litigating the following prominent cases:

- *In re MTC Electronic Shareholder Litigation, No. CV-93-0876 (E.D.N.Y. 1993):*

Schiffrin & Barroway served as co-counsel in a case involving securities fraud by MTC, its officers and directors, underwriters and accountants. The case presented novel issues of Chinese law and required the construction of a database of hundreds of thousands of documents utilized in numerous party and non-party depositions. A \$72 million settlement was achieved on the eve of trial.

- *In re Oppenheimer Capital, L.P., Unitholders Litigation, Consolidated No. 16022NC (Del. Ch. Ct. 1997):*

Schiffrin & Barroway served as Co-Lead Counsel on behalf of plaintiffs alleging that a merger proposed by Pimco Advisors benefitted certain Pimco insiders by disproportionately allocating tax benefits achieved from the restructuring of a limited partnership and failing to provide adequate compensation to the Oppenheimer shareholders. Plaintiffs moved to enjoin the transaction and a settlement was reached whereby defendants agreed to pay a special dividend to Oppenheimer limited partners of approximately \$16 million.

- *Wanstrath v. Doctor R. Crants, et al., C.A. No. 99-1719-III (Tenn. Chan. Ct., 20<sup>th</sup> Judicial District, 1999): (description above)*

#### **DAVID KESSLER**

Mr. Kessler, a partner of the firm, graduated with distinction from the Emory School of Law. He is licensed to practice in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. He is also a Certified Public Accountant in Pennsylvania. Mr. Kessler co-manages the firm's nationally recognized securities department. In addition to his important role in *Henry v. Sears, et al, Case No. 98 C 4110 (N.D. Ill. 1999)*, Mr. Kessler has achieved the following outstanding results in federal securities cases:

- *In re Initial Public Offering Securities Litigation*, Master File No. 21 MC 92 (S.D.N.Y. Dec. 12, 2002)(SAS):

Mr. Kessler, along with Mr. Schiffrin, is presently heading up the firm's litigation efforts in its prominent position as an executive committee member in this action. Of the sixty plaintiffs firms which originally filed actions in these coordinated proceedings, Schiffrin & Barroway was one of only six selected to serve on the executive committee. The coordinated actions, which have been filed against 308 separate issuers of publicly traded securities, challenge the legality of the practices which accompany the allocations of shares in initial public offerings. In addition to suing the issuers of such securities, the 308 coordinated actions also name as defendants the primary investment banking firms which underwrote the offerings. This case, which has received a great deal of national and international media attention, is widely considered the largest securities class action litigation in history.

- *In re Assisted Living Concepts, Inc. Securities Litigation*, Lead Case No. 99-167-AA (D.Or. 1999):

Schiffrin & Barroway served as Co-Lead Counsel and was instrumental in obtaining a \$30 million recovery for class members from the Company, its executive officers and directors, and several underwriters for their role in an alleged complex accounting fraud involving the use of a purportedly independent joint venture to absorb the Company's start-up losses. Even after this \$30 million recovery, through counsel's efforts, an additional \$12.5 million was obtained from the auditors providing for a total recovery of \$42.5 million.

- *In re Twinlab Corporation Securities Litigation*, Master File No. 98-CV-7425 (E.D.N.Y. 1998):



Schiffrein & Barroway served as Co-Lead Counsel and successfully litigated the action and was able to negotiate a settlement in the amount of \$26 million plus interest which was recently approved by the Court.

- *In re Cumulus Media Inc. Sec. Litig., Lead Case No. 00-C-391 (E.D. Wis. 2000):*

Schiffrein & Barroway served as Lead Counsel and successfully litigated the action and negotiated a settlement of \$13 million in cash and 240,000 shares of freely tradable stock in Cumulus Media, which traded for approximately \$19 per share, for a total settlement value of \$17.5 million at the time the settlement was approved by the Court.

- *In re Petco Animal Supplies, Inc. Securities Litigation, Master File No. 98 CV 1521-L (S.D. Cal. 1998):*

Schiffrein & Barroway served as Co-Lead Counsel and was able to obtain a recovery of \$8.9 million for class members. Claims involved the alleged use of a growth-by-acquisition strategy that masked the Company's declining results.

- *In re Detection Systems, Inc. Securities Litigation, Master File No. 98-CV-6068 (CJS) (W.D.N.Y. 1998):*

Schiffrein & Barroway served as Co-Lead Counsel and was instrumental in obtaining a recovery of \$6.3 million for class members against the Company, certain of its officers and directors, and certain underwriters of the Company's offerings. Claims were brought against these defendants as a result of material misrepresentations and omissions regarding the Company's faltering internal control systems.

- *In re Tel-Save Holdings, Inc., Master File No. 98-CV-3145 (E.D. Pa. 1998):*

Schiffrein & Barroway served as Lead Counsel in this action. After three years of intense litigation, Schiffrein & Barroway was able to negotiate a settlement of \$5.75 million in cash on behalf of class members.

Mr. Kessler, along with other members of the firm, is currently litigating, as Lead or Co-Lead counsel, securities actions brought against such companies as Tyco, Halliburton, PNC Bank, The Interpublic Group of Companies, Computer Associates, CVS, Livent, K-Mart, McLeod USA, New Power, The Interpublic Group of Companies, and various others.

**KRISHNA B. NARINE**

Mr. Narine, who received his law degree from The Georgetown University Law Center, manages Schiffrin & Barroway's antitrust department. Previously, Mr. Narine was a partner at Meredith, Cohen, Greenfogel & Skirnick, P.C., a firm which specializes in complex antitrust litigation. While at Meredith Cohen, Mr. Narine was actively involved in complex antitrust litigation for over thirteen years, and personally participated in two of the largest antitrust cases in history:

- *In re Nasdaq Market-Makers Antitrust Litigation, MDL No. 1023 (S.D.N.Y.) (settlement of \$1.125 billion); and*
- *In re Brand Name Prescription Drugs Antitrust Litigation, C.A. No. 94C897 and MDL No. 997 (N.D. Ill.) (settlement of \$750 million).*

Mr. Narine also has played a prominent role in litigating the following antitrust cases: *In re Commercial Tissue Antitrust Litigation, MDL No. 1189 (N.D. Fla.); In re Carbon Dioxide Antitrust Litigation, MDL No. 940 (M.D. Fla.); In re Drill Bits Antitrust Litigation, C.A. No. H-91-627 (S.D. Tex.); Cumberland Farms, Inc. v. Browning-Ferris Industries, Inc., C.A. No. 87-3717 (E.D. Pa.); In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.); and In re Isostatic Graphite Antitrust Litigation, MDL No. 1857 (E.D. Pa.).*

**KATHARINE M. RYAN**

Ms. Ryan, prior to joining Schiffrin & Barroway, was a member of the firm of Savett Frutkin Podell & Ryan, P.C. from its inception in October 1991 through January 2002. Prior to the

formation of her firm, from 1984 to 1991, Ms. Ryan was an associate at Kohn, Savett, Klein & Graf, P.C., in Philadelphia. Ms. Ryan graduated cum laude from Villanova University School of Law in May, 1984. She is a member of the Philadelphia Bar Association.

Ms. Ryan has represented plaintiffs in numerous shareholder class action lawsuits, including *In re Apple Computer Securities Litigation*, Master File No. C-8420148(A)(RPA) (N.D. Ca.); *In re Computer Input Services, Inc. Securities Litigation*, Master File No. 83-1393 (E.D. Pa.); *First Jersey Securities Litigation*, C.A. No. 85-7059 (E.D. Pa.); *Gulf States Utilities, Co.*, C.A. No. B-624-CA (E.D. Pa.); *Nissim Husni v. Nutri/System, Inc.*, C.A. 86-0800 (E.D. Pa.); *Western Union Securities Litigation*, C.A. Nos. 74-3241, 78-201 (E.D. Pa.); *Aaron D. Stauber v. Caesars World, Inc.*, Consol. C.A. No. CA 001019 (Superior Court, Los Angeles, Ca.); *Natalie Trager, et al. v. Payless Cashways, Inc., et al.*, C.A. No. CV88-14667 (Circuit Court of Jackson County, Missouri at Kansas City); *Duquesne Light Company Securities Litigation*, No. 86-1756 (W.D. Pa.); *In re Days Inns Corp. Shareholders Litigation*, Consol. C.A. No. 9455 (Del. Chancery Ct.); *In re General Development Corp. Securities Litigation*, Consol. C.A. No. 90-0691-CIV-MARCUS (S.D. Fla., Miami Div.); *In re Network Equipment Technologies Securities Litigation*, Master File No. C-90-1138-DLJ (N.D. Cal.); *In re United Telecommunications, Inc. Securities Litigation*, Consol. C.A. No. 90-2251-0 (D. Kansas), *In re Scott Paper Company Securities Litigation*, Master File No. 90-6192 (E.D. Pa.); *In re Avon Products, Inc. Securities Litigation*, C.A. No. 89 Civ. 6216 (MEL) (S.D.N.Y.); *In re Centocor Securities Litigation*, Master File No. 92-CV-1071 (E.D. Pa.); *In re U.S. Bioscience Securities Litigation*, Civil Action No. 92-0678 (E.D. Pa.); *In re Xytronyx Securities Litigation*, Master File No. 92-194-H (CM) (S.D. Cal.); *In re Dime Savings Bank of New York Securities Litigation*, Master File No. 89-2189 (JM), MDL Docket No. 846 (E.D.N.Y.); *In re Perfumania, Inc. Securities Litigation*, Case No. 92-1490-CIV-MARCUS (S.D. Fla., Miami Div.);

*In re PNC Securities Litigation*, Civil Action No. 90-0592 (W.D. Pa.); *In re Bank of Boston Corp. Securities Litigation*, Master File No. 89-2269-H (D.MA.); *In re Intelligent Electronics, Inc. Securities Litigation*, Master File No. 92-1905 (E.D. Pa.); *In re Numerex Securities Litigation*, Civil Action No. 95-4378 (E.D. Pa.); *In re Synergen, Inc. Securities Litigation*, Civil Action No. 93-B-402 (D.Colo.); *In re Ceridian Corporation Securities Litigation*, Master File No. 7-2044 MJD/AJB (D. Minn.); *In re Corel Corporation Inc. Securities Litigation*, C.A. No. 00-CV-1257 (E.D. Pa.); *H. Carl McCall v. Richard L. Scott, et al.*, No. 3-97-0838 (M.D. Tenn., Nashville Div.); *In re Aetna Inc. Securities Litigation*, MDL No. 1219 (E.D. Pa.); and numerous others.

**STUART L. BERMAN**

Mr. Berman, a partner of the firm, received his law degree from The National Law Center at George Washington University. He is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Mr. Berman has specialized in the area of securities litigation and serves in the firm's case development department, which involves client contact, and litigation strategy. In addition, Mr. Berman has specialized in managing the firm's lead plaintiff litigation and has been instrumental in enabling various of the firm's institutional and individual clients to serve as lead plaintiffs in important cases, such as *In re Tenet Healthcare Corp. Securities Litigation*, No. CV-02-8462-RSWL (C.D. Ca. 2002), *In re Interpublic Securities Litigation*, No. 02 Civ. 6527 (S.D.N.Y. 2002), *In re New Power Holdings Securities Litigation*, C.A. No. 02 Civ. 1550 (S.D.N.Y. 2002), *In re AremisSoft Corp. Sec. Litig.*, C.A. No. 01-CV-2486 (D.N.J. 2002), *Moore v. Halliburton Company*, C.A. No. 02-CV-1152-N (N.D. Tex. 2002), and *In re CVS Corporation Securities Litigation*, No. 01-11464, (D. Mass. 2001). Mr. Berman also has been actively involved in litigating the following prominent cases:

- *In re AremisSoft Corp. Sec. Litig.*, C.A. No. 01-CV-2486 (D.N.J. 2002):

Mr. Berman, along with Mr. Schiffrin, serves as lead counsel in this action in which certain former officers of the Company are alleged to have stolen hundreds of millions of dollars. They negotiated a complex settlement with the Company, which provided for the successful reorganization of the Company and which provided the class with the majority of the equity in the new company. In addition, the settlement established a litigation trust in which all claims owned by the class as well those owned by the Company were assigned for purposes of recovering the substantial losses incurred by the shareholders. The firm and co-counsel are litigating in the Isle of Man and were successful in freezing \$175 million of funds stolen by insiders. Schiffrin & Barroway also continues to litigate other claims against the Company's directors and officers, outside auditor and attorneys.

- *In re NetSolve Incorporated Securities Litig.*, C. A. No. A00-CA-591 SS (W.D. Tex. 2000):

Schiffrin & Barroway serves as Co-Lead Counsel in a case involving securities fraud by NetSolve and certain of its officers and directors. Claims were brought against these defendants as a result of material misrepresentations and omissions regarding the Company's customer service problems and declining sales to one of its largest customers. The firm successfully litigated this action which settled for \$2.75 million, an amount approved by the Court for the benefit of class members.

- *In re Acrodyne Communications, Inc. Securities Litig.*, C. A. No. L-00-CV-2490 (D. Md. 2000):

Schiffrin & Barroway served as Lead Counsel in a case involving securities fraud by Acrodyne and certain of its officers and directors. Claims were brought against these defendants for material misrepresentations and omissions regarding the Company's inventory, and as a result, the Company's profits. In light of the Company's precarious financial position, the firm was able to

craft a settlement of \$750,000 in cash plus interest, and 1.6 million warrants to purchase 1.6 million shares of the Company's common stock. This settlement, approved by the Court, creatively established a structure by which the Company could avoid bankruptcy and, at the same time, provided the Class with potential future benefits.

**JACOB A. GOLDBERG**

Prior to joining Schiffrin & Barroway, Mr. Goldberg was a member of the firm of Berger & Montague, P.C. Mr. Goldberg is a 1988 graduate of Columbia University (B. A., History) and a 1992 graduate (J. D. cum laude) of the Temple University School of Law. Mr. Goldberg is admitted to practice law in the Commonwealth of Pennsylvania, the Supreme Court of the United States, the United States Court of Appeals for the Third Circuit, and the United States District Courts for the Eastern District of Pennsylvania, the Central District of Illinois and the District of Colorado. Mr. Goldberg has served as a panelist on the changes in the Federal Rules of Civil Procedure before the Federal Bench Bar Conference for the United States District Court for the Eastern District of Pennsylvania.

Before joining Schiffrin & Barroway, among many other cases in which he participated, Mr. Goldberg served as lead counsel in the *In re New America High Income Fund Securities Litigation*, Master File No. 90-CV-10782-MA (D. Mass.), in which he recovered over \$4 million on behalf of persons who purchased shares in a high-yield bond fund. Mr. Goldberg also served as co-lead counsel in *Rosenthal v. Dean Witter*, No. 91 CV 429 (District Court of Douglas County, Colorado), in which Mr. Goldberg was instrumental in securing over \$7 million on behalf of investors who purchased the bonds of a Colorado Municipal District. In addition, Mr. Goldberg has served in important positions in many cases, including as co-lead counsel in *In re IKON Office Solutions, Inc. Securities Litigation*, No. 98-CV-5483 (E. D. Pa.). The *IKON* case resulted in a \$111 million

recovery on behalf of purchasers of IKON Office Solutions, Inc. securities. Mr. Goldberg served as lead counsel in *In re Credit Trust, Inc. Securities Litigation*, Civil Action No. MJG 00 CV 2174 (D. Md.), co-lead counsel in *Lawson v. Advanced Equities, Inc.*, Civil Action No. 3:00-CV-382 (S) (W. D. Ky.), and as an Executive Committee member in *In re AremisSoft Corp. Sec. Litig.*, C.A. No. 01-CV-2486 (D.N.J. 2002).

**Schiffrin & Barroway also consists of the following senior associates and associates:**

**Gregory M. Castaldo**, a senior associate of the firm, received his law degree from Loyola Law School in 1997 where he received the American Jurisprudence award in legal writing. He received his undergraduate degree from the Wharton School of Business at the University of Pennsylvania. He is licensed to practice law in Pennsylvania and New Jersey. Mr. Castaldo has been actively involved in litigating the following cases:

- *In re Unigraphics Solutions Inc. Shareholders Litigation*, Cons. C.A. No. 18916, Delaware Chancery Court, in which Class Counsel was partially responsible for creating an aggregate financial benefit of approximately \$35 million for members of the class;
- *In re Prodigy Communications Corp. Shareholders Litigation*, Cons. C.A. No. 19113-NC, Delaware Chancery Court, in which Class Counsel was partially responsible for creating an aggregate financial benefit of approximately \$36 million for members of the class; and
- *In re Sodexo Marriot Shareholders Litigation*, Cons. C.A. No. 18640-NC, Delaware Chancery Court, in which Class Counsel was partially responsible for creating an aggregate financial benefit of approximately \$166 million for members of the class.

**Robert B. Weiser**, a senior associate of the firm, manages the firms shareholder derivative department along with Mr. Topaz. Mr. Weiser received his law degree from the Villanova



University School of Law. While in law school, he served as a law clerk for the Honorable Clarence J. Newcomer, U.S.D.J. for the Eastern District of Pennsylvania. He is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey.

Schiffrin & Barroway is a national leader in the area of shareholder derivative litigation, having served as Lead or Co-Lead Counsel in more than 90 shareholder derivative actions throughout the nation. Mr. Weiser's more prominent cases include:

- *In Re Staples, Inc. Shareholder Litigation*, CV 18784-NC, (Del. Ch.), in which Schiffrin & Barroway, as Co-Lead Counsel for derivative plaintiffs, secured a financial benefit for Staples worth at least \$12 million by winning an injunction which prevented Staples from holding a shareholder vote on an improperly disclosed recapitalization plan that would have unfairly benefitted corporate insiders at the expense of Staples; and
- *Barry v. Cotsakos*, CIV 49804 (San Mateo County Cal.)(the "E\*Trade Derivative Litigation"), in which Schiffrin & Barroway, as Co-Lead Counsel for derivative plaintiffs, successfully challenged E\*Trade's payment of excessive compensation and benefits to its Chief Executive Officer, and secured a settlement that returned approximately \$25 million to E\*Trade and instituted comprehensive reforms designed to correct and prevent the recurrence of the alleged misconduct.

**Patricia C. Weiser**, a senior associate of the firm, received her law degree from Widener University School of Law. While in law school, she served as a legal intern for the Honorable Clarence J. Newcomer, U.S.D.J. for the Eastern District of Pennsylvania. She is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States

District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Ms. Weiser concentrates her practice in the area of Mergers & Acquisitions litigation and has recently litigated the following matters to a successful resolution:

- *In re Intimate Brands Inc. Shareholders Litigation*, Cons. C.A. No. 19382-NC, Delaware Chancery Court, in which Class Counsel was partially responsible for creating an aggregate financial benefit of approximately \$81 million for members of the class;
- *In re Unigraphics Solutions Inc. Shareholders Litigation*, Cons. C.A. No. 18916, Delaware Chancery Court (description above); and
- *In re Storage USA, Inc. Shareholder Litigation*, No. CH-01-2281, Chancery Court, Shelby County, Tennessee, in which Class Counsel achieved an aggregate financial benefit of \$10.5 million for members of the class.

**Michael K. Yarnoff**, a senior associate of the firm, received his law degree from Widener University School of Law. He has been practicing law in Pennsylvania and New Jersey since 1991 and has been a member of the Delaware Bar since 1995. He is also admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Mr. Yarnoff works in the firm's securities litigation department and has been actively involved in a number of federal securities cases in which outstanding results were achieved, including the following: *In re Consec Inc. Securities Litigation*, C.A. No. IP00-C-00585 (S.D. In. 2000) (\$120 million cash settlement); *In re Twinlab Corporation Securities Litigation*, Master File No. 98-CV-7425 (E.D.N.Y. 1998) (\$26 million cash settlement); *In re Cumulus Media Inc. Sec. Litig.*, Lead Case No. 00-C-391 (E.D. Wis. 2000) (\$13 million cash settlement plus stock); *In re Cell Pathways, Inc. Securities Litigation II*, Master File No. 01-CV-1189 (E.D. Pa. 2001) (\$2 million cash settlement plus stock). Currently, Mr Yarnoff is either lead or co-lead counsel in *In re CVS*

*Corporation Securities Litigation*, C.A. No. 01-11464 (D. Mass. 2001); *In re Penn Treaty American Corporation Securities Litigation*, C.A. No. 01-CV-1896 (E.D. Pa. 2001); *In re NX Networks Securities Litigation*, C.A. No. 00-CV-11850 (D. Mass. 2000); and *In re Riverstone Networks, Inc. Securities Litigation*, C.A. No. CV-02-3581 (N.D. Cal. 2002).

**Tobias L. Millrood**, a senior associate of the firm, received his law degree from the University of Tulsa College of Law. He is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey and the United States Court of Appeals for the Third Circuit. Prior to joining Schiffrin & Barroway, Mr. Millrood practiced at Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C. in Philadelphia. While at Anapol, Mr. Millrood garnered several notable achievements, including a \$22 million medical malpractice verdict in *Wallace v. Fraider*, Phila. CCP, March 2001, one of the highest in state history. He also wrote and argued cases resulting in significant changes to Pennsylvania law: *Cullen v. Pennsylvania Prop. & Cas. Ins. Guar. Ass'n*, 760 A.2d 1198 (Pa. Commw. 2000) (Pennsylvania workers' compensation carrier could not assert a subrogated claim for benefits that its insured's employee was precluded from recovering in settlement of a related medical malpractice claim.); and *Estate of Magette v. Goodman*, 2001 WL 218981 (Pa. Super. 2001) (Failure to retain evidence of EKG strip during orthopedic surgery that resulted in death of patient required new trial where court failed to give jury adverse inference instruction.).

Mr. Millrood manages the firm's mass tort department along with Mr. Schiffrin. He currently is active in mass tort litigation involving Fen-Phen, Baycol, Meridia, Thimerosal, Ephedra and Prempro. In Meridia, Mr. Millrood is Co-Chair of the Meridia Litigation Group of the American Trial Lawyers Association (ATLA). He also serves on the Executive Committee of *MDL 1481, In*

*re Meridia Products Liability*, N.D. Ohio and he is co-chair of the MDL Science Committee. In Prempro, Mr. Millrood was the first to file a national class action. Mr. Millrood speaks frequently at various drug and mass tort seminars, including ATLA, Mealey's Conferences and Andrews Publications Conferences on the topics of Meridia, Prempro and the Ethics of Settling Mass Tort Cases. Mr. Millrood is a former member of the Pennsylvania Trial Lawyers Board of Governors and currently sits on the Executive Committee of the Philadelphia Bar Association Young Lawyers' Division.

**Joseph H. Meltzer**, a senior associate of the firm, received his law degree with honors from Temple University School of Law. He is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey and the United States Court of Appeals for the Third Circuit. Prior to joining Schiffrin & Barroway, Mr. Meltzer practiced at Barrack, Rodos & Bacine in Philadelphia, where he had prominent roles in prosecuting several major antitrust class actions to successful conclusions, including *In re Sorbates Direct Purchaser Antitrust Litigation*, C 98-4886 (N.D. Cal. 2001) (settlements exceeding \$92 million) and also defended clients in antitrust and commercial litigation.

Mr. Meltzer concentrates his practice in the areas of antitrust, ERISA and consumer protection, and has helped obtain several multi-million dollar settlements on behalf of class members. Mr. Meltzer is Lead Counsel in several pending nationwide class actions brought on behalf of consumers, employees, and union health and welfare funds, including *In re Global Crossing ERISA Litigation*, 02 Civ. 7453 (S.D.N.Y. 2002); *In re Remeron Antitrust Litigation*, 02-CV-2007 (D.N.J. 2002) and *In re Wellbutrin SR/Zyban Antitrust Litigation*, 02-CV-4398 (E.D. Pa. 2002). Mr. Meltzer is a member of the American Bar Association and is actively involved in the

ABA's Section Committees on (i) Employee Benefits and (ii) Antitrust Law.

**Marc I. Willner**, an associate of the firm, received his law degree from the George Washington University Law School in 1997. He received his undergraduate degree in Public Policy Studies and Philosophy from Duke University in 1994. Prior to joining Schiffrin & Barroway, he served as a Deputy Attorney General in the Criminal Law Division of the Pennsylvania Office of Attorney General. He is licensed to practice law in Pennsylvania.

Mr. Willner concentrates his practice in the area of securities litigation and has helped obtain several multi-million dollar settlements on behalf of class members, including *In re AramisSoft Corp. Sec. Litig.*, C.A. No. 01-CV-2486 (D.N.J. 2002); *In re Pinnacle Holdings Corp. Sec. Litig.*, No. 8:01-CV-624-T-27 (M.D. Fla.) (\$11 million settlement); *Griffin v. Painewebber, Inc. et al.*, No. 99 Civ. 2292 (S.D.N.Y) and *In re Livent, Inc. Sec. Litig.*, No. 98 Civ. 5686 (S.D.N.Y) (combined \$4.7 million settlement with litigation still pending against one non-settling defendant).

Mr. Willner is Lead or Co-Lead counsel in several pending nationwide class action securities cases, including *In re Corning Sec. Litig.*, No. 01-CV-6580 (W.D.N.Y.); *Spagnola v. Kilrea et al.*, (HA-LO Industries, Inc.) No. 02 C 0270 (E.D. Ill.); *D.E. & J. Ltd. Partnership v. Conaway et al.*, (Kmart Corporation) No. 02-70684 (E.D. Mich.); *In re Interpublic Sec. Litig.*, No. 02 Civ. 6527 (S.D.N.Y.); and *Moore et al. v. Halliburton Co., et al.*, No. 3:02-CV-1152 (N.D. Tex.).

**Eric L. Zagar**, an associate of the firm, received his law degree from the University of Michigan Law School (cum laude), where he was an Associate Editor of the Michigan Law Review. He has practiced law in Pennsylvania since 1995 and previously served as a law clerk to Justice Sandra Schultz Newman of the Pennsylvania Supreme Court. He is admitted to practice in Pennsylvania.

Mr. Zagar concentrates his practice in the area of shareholder derivative litigation. Mr. Zagar

is Lead or Co-Lead counsel in several derivative actions pending in courts throughout the nation, including *Dominguez v. Collins*, MID-L-7975-02 (Middlesex County, NJ) (Amerada Hess Corp. Derivative Action); *In Re AMC Entertainment, Inc. Shareholder Derivative Litigation*, 02-CV-221038 (Jackson County, MO); *David v. Wolfen*, 01-CC-03930 (Orange County, CA) (Broadcom Corp. Derivative Action); *In Re Dynacq Int'l. Shareholder Derivative Litigation*, 2002-07135 (Harris County, TX); and *Campbell v. Rakib*, CV807650 (Santa Clara County, CA) (Terayon Communications Systems, Inc. Derivative Action).

**Darren J. Check**, an associate of the firm, received his law degree from Temple University School of Law. He received his undergraduate degree in History with honors from Franklin & Marshall College. He is licensed to practice in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey.

Mr. Check concentrates his practice in the area of securities litigation and has worked extensively with partner David Kessler on *In re Initial Public Offering Securities Litigation*, Master File No. 21 MC 92 (S.D.N.Y. Dec. 12, 2002)(SAS) currently pending in the Southern District of New York. Mr. Check serves in the firm's case development department, which involves working with clients, litigation strategy and lead plaintiff issues. In addition, Mr. Check works closely with many of the foreign investors which the firm represents.

**Sean M. Handler**, an associate of the firm, received his law degree (cum laude) from Temple University School of Law. Mr. Handler received his undergraduate degree from Colby College with distinction in American Studies. He is licensed to practice law in Pennsylvania and has been admitted to practice before the Eastern District of Pennsylvania.

Prior to joining Schiffrin & Barroway, Mr. Handler practiced at Reed Smith, LLP in

Philadelphia. Mr. Handler concentrates his practice in the area of securities litigation and serves in the firm's case development department, which involves working with clients, litigation strategy and lead plaintiff issues.

**Lee Rudy**, an associate of the firm, received his law degree from Fordham University School of Law, where he was the Writing & Research Editor of the *Fordham Urban Law Journal*. He received his undergraduate degree *cum laude* from the University of Pennsylvania. Prior to joining the firm, Mr. Rudy was an Assistant District Attorney in the office of the Manhattan D.A. for six years. He is licensed to practice law in New York and Pennsylvania.

Mr. Rudy concentrates his practice in the area of shareholder derivative litigation, where he is currently litigating complex actions in state and federal courts across the country, including *In Re Oracle Corp. Derivative Litigation*, Cons. C.A. No. 18751 (Del. Ch.); and *In Re VeriSign, Inc. Derivative Litigation*, Lead Case No. CV 807719 (Santa Clara Cty., Cal).

**Kay Sickles**, an associate of the firm, received her law degree from the University of Pennsylvania School of Law in 1994. She received her undergraduate degree from Colgate University, graduating with Honors from the History department. Prior to joining the firm, Ms. Sickles was an associate with Sandals & Langer, LLP, where she litigated complex class actions, arising out of violations of the ERISA and Antitrust statutes. She is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey.

Ms. Sickles concentrates her practice in Mass Torts, where she is currently litigating complex mass tort actions in state and federal courts around the country, including, *Ashton v. Aventis Pasteur* (Phildelphia County), *In re Thimerosal* (Federal Court of Claims), *In re Meridia*, (MDL 1481), *In*



*re Baycol* (Phila. Court of Common Pleas), and the “Coordinated Proceeding under Special Title Rule (1550(b)) for the Vaccine Cases” (California).

**Andrew L. Zivitz**, an associate of the firm, received his law degree from Duke University School of Law in 1995, and received a Bachelor of Arts degree with distinction from the University of Michigan, Ann Arbor in 1992. Prior to joining Schiffrin & Barroway, Mr. Zivitz practiced with the Philadelphia law firms of Klehr, Harrison, Harvey, Branzburg & Ellers, LLP and Drinker Biddle and Reath, LLP where he litigated complex commercial and environmental matters.

Mr. Zivitz is admitted to practice law in Pennsylvania and New Jersey and has been admitted to practice before the Courts of the Commonwealth of Pennsylvania and the State of New Jersey, the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey.

Mr. Zivitz concentrates his practice in the area of securities litigation and is Lead or Co-Lead Counsel in several pending nationwide class action securities cases, including *In re Computer Associates*, No. 02-CV-1226 (E.D.N.Y.); *In re Aon Corp.*, No. 02 CV 5631 (N.D.Ill); *In re Duane Reade, Inc.*, No. 1:02cv6478 (S.D.N.Y.); *In re McLeodUSA Inc.*, No. C02-0001 (N.D.Iowa); and *In re Great Atlantic and Pacific Tea Company, Inc.*, No. 02-cv-2674 (D.N.J.)

**Edward W. Ciolko**, an associate of the firm, received his law degree from Georgetown University Law Center in 2001, and an MBA from the Yale School of Management in 1997. Prior to joining the firm, he served as an Attorney Advisor to Commissioner Sheila F. Anthony at the Federal Trade Commission. He is licensed to practice law in the State of New Jersey and has been admitted to practice before the United States District Court for the District of New Jersey. Mr. Ciolko concentrates his practice in the areas of antitrust, ERISA, and consumer protection.

**Scott K. Johnson**, an associate of the firm, received his law degree from University of



California, Hastings College of the Law in 1996. He is a graduate of the University of Washington, Seattle, where he received a B.A. in Philosophy (1991) and a Master's degree in Public Affairs (1993). He is licensed to practice law in Pennsylvania and California and has been admitted to practice before the United States Court of Appeal for the Ninth Circuit and the United States District Courts of Central, Northern, Eastern California and the Eastern District of Pennsylvania. Mr. Johnson serves in the firm's mass tort department and concentrates on litigation arising from injuries caused by the drugs PremPro, Ephedra, and Fen-Phen.

**Marc D. Weinberg**, an associate of the firm, received his law degree from Widener University School of Law in 1992 and is a 1989 graduate of The Pennsylvania State University where he received his B.S. in Business Logistics. He is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Mr. Weinberg serves in the firm's case development department and focuses on client contact and lead plaintiff issues.



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# **EXHIBIT E**

**KAPLAN FOX & KILSHEIMER LLP**  
**FIRM AND ATTORNEYS BIOGRAPHIES**

Kaplan Fox & Kilsheimer LLP is a firm engaged in the general practice of law with an emphasis on complex securities, antitrust and consumer class action litigation as well as other general commercial litigation. The firm has actively participated in numerous complex class actions throughout the country for over twenty years. It is presently active in major litigations pending in federal and state courts throughout the country including courts in California, New York, Massachusetts, Delaware, Florida, Illinois, Indiana and Georgia.

Members of the firm have served as lead or co-lead counsel, as executive committee member or as liaison counsel, and made significant contributions in many complex class and other multi-party actions in which substantial recoveries were obtained, including the following:

**SECURITIES:**

**In re 3Com Securities Litigation,**

No. C-97-21083-EAI (N.D.Ca) (\$259 million recovered)

**In re MicroStrategy Securities Litigation,**

No. CV-00-473-A (E.D.Va) (\$155 million recovered)

**In re Informix Securities Litigation,** C-97-129-CRB (N.D.Ca) (\$136.5 million recovered)

**In re L.A. Gear Securities Litigations,** CV-90-2832-KN(Bx); CV-91-0400-KN(Bx); CV-91-4039-MRP(Jrx) (C.D.Ca.) (\$50 million plus recovered)

**Rosen, et al. v. Macromedia, Inc., et al.**

(\$48 million recovered) (No. 988526) (Sup. Ct. Ca.)

**In re Ames Department Stores Securities Litigation,**

MDL No. 924 (S.D.N.Y.) (\$46 million recovered)

**In re Genentech, Inc. Securities Litigation,**

C-88-4038-DLJ (N.D.Ca.) (\$29 million recovered)

**In re Tele-Communications, Inc. Securities Litigation,**

C-97-421(C.D.Ca.) (\$26.5 million recovered)

**In re Sun Healthcare Group, Inc. Litigation**, C-95-7005-JC/WWD (D.N.M.) (\$24 million recovered)

**In re PepsiCo Securities Litigation**, 82 Civ. 8288 (S.D.N.Y.) (\$21 million recovered)

**In re Centennial Technologies Litigation**, 97-10304-REK (D. Mass.) (\$21.5 million recovered and other consideration)

**Kensington Capital Management v. Oakley, Inc., et. al.**, No. SACV97-808 GLT (Eex) (C.D.Ca.) (\$17.5 million recovered)

**In re Computer Memories Securities Litigation**, No. C-85-2335 (A)-EFL (N.D.Ca.) (\$15.5 million recovered)

**Scheatzle, et al. v. Eubanks, et al.**, C-92-20785-JW(EAI) (N.D.Ca.) (\$18.6 million recovered)

**In re Computer Memories Securities Litigation**, C-85-2335 (A)-EFL (N.D.Ca.) (\$15.5 million recovered)

**In re Wyse Technology Securities Litigation**, C-89-1818-WHO (N.D.Ca.) (\$15.5 million recovered)

**Provenz v. Miller, et al.**, C-92-20159-RMW (N.D.Ca.) (\$15 million recovered)

**In re Gupta Corporation Securities Litigation**, C-94-1517-FMS (N.D.Ca.) (\$14.25 million recovered)

**In re MicroPro Securities Litigation**, C-85-7428-EFL (N.D.Ca.) (\$14 million recovered)

**In re Immunex Securities Litigation**, C-92-48 WD (W.D.Wa.) (\$14 million recovered)

**Barry Hallet, Jr. v. Li & Fung, Ltd., et al.**, 95 Civ. 8917 (S.D.N.Y.) (\$13.65 million recovered)

**Stuart Markus v. The North Face, Inc., et al.**, No. 97-Z-473 (D.Co) (\$12.5 million recovered)

**Mel Klein v. Laura L. King, et al.**, C-88-3141-FMS (N.D.Ca.) (\$11.65 million recovered)

**Igor Cheredrichenko, et al. v. Quarterdeck Corp., et al.**, Case No. 97-4320 (GHK) (C.D. Ca.) (\$11 million recovered)

**In re Cheyenne Software, Inc. Securities Litigation**, 94 Civ. 2771 (E.D.N.Y.) (\$10.25 million recovered)

**In re Seagate III Securities Litigation**, C-91-20377-SW (N.D.Ca.) (\$9.9 million recovered)

**In re Symantec Corporation Securities Litigation**, C-97-20021-JF(EAI) (N.D.C.A.) (\$9.5 million recovered)

**In re USA Classic Securities Litigation**, 93 Civ. 6667 (S.D.N.Y.) (\$9.3 million recovered)

**In re Penncorp Financial Group, Inc. Securities Litigation**, No. 98 Civ. 5998 (LAP) (S.D.N.Y.) (\$9 million recovered)

**In re Natures Bounty Securities Litigation**, C-94-4818 (TCP) (E.D.N.Y.) (\$8 million recovered)

**In re Retix Securities Litigation**, C-93-1683-JSL (GHKX) (C.D.Ca.) (\$7.5 million recovered)

**In re Medeva Securities Litigation**, C-93-4376-KN(Tx) (C.D.Ca.) (\$6.75 million recovered)

**Weinberger v. Schroeder, et al.**, 84-20757-WAI, (N.D.Ca.) (\$6.75 million recovered and other consideration)

**In re DCA Securities Litigation**, No. 1:89-CV-2195-RCF (N.D. Ga.) (\$6.25 million recovered)

**In re Businessland Securities Litigation**, C-90-20476-RFP (N.D. Ca.) (\$6 million recovered)

**John Lalor, et. al. v. Omtool, Ltd., et. al.** (\$6 million recovered) (No. 1:99-CV-469-M) (D.N.H.)

**In re Ross Systems Securities Litigation**, C-94-0017-DLJ (N.D.Ca.) (\$5.8 million recovered)

**Goldberg, et al. v. DBA Systems, Inc., et al.**, No. 8988-Civ.-ORLI9 (M.D. Fla.) (\$4.1 million recovered)

**Stuart S. Siegel v. William P. Lyons, et al.**, C-95-03588-DLJ (N.D.Ca.) (\$3.1 million recovered)

**Levine v. Puritan Fashions Corp.**, 86 Civ. 459 (KTD) (S.D.N.Y.) (\$3 million recovered)

**In re Kirschner Medical Corporation Securities Litigation,**

Case No. WN-90-858 (D. Maryland) (\$2.75 million recovered)

**John E. Thompson v. Danka Business Systems, PLC., et al.**

No. 97-3007-CIV-T-26E (M.D. FLA.) (\$2.7 million recovered)

**In re SCB Computer Securities Litigation**

(\$2.1 million recovered) (No. CV-00-2343 G/A) (W.D.Tenn.)

**ANTITRUST RECOVERIES**

**In re Brand Name Prescription Drugs Antitrust Litigation,** MDL 997 (N.D. Ill.)

(\$720 plus million recovered)

**In re Corrugated Container Antitrust Litigation,**

MDL 310 (S.D.Tex.) (\$550 million recovered)

**In re Infant Formula Antitrust Litigation,**

MDL 878 (N.D.Fla.) (\$126 million recovered)

**In re Flat Glass Antitrust Litigation,**

MDL 1200 (W.D.P) (\$53 plus million recovered)

**In re Ocean Shipping Antitrust Litigation,**

MDL 395 (S.D.N.Y.) (\$51 million recovered)

**In re Medical X-Ray Film Antitrust Litigation,**

CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered)

**In re Screws Antitrust Litigation,** MDL 443

(D. Mass.) (\$20 million recovered)

**In re Building Maintenance Services Antitrust Litigation,**

76 Civ. 341 (JMC) (\$5 million recovered)

The following are the attorneys of the firm who regularly engage in complex litigation:

**ROBERT N. KAPLAN** Widely recognized as a leading securities litigator, Robert Kaplan has led the prosecution of numerous securities fraud class actions and shareholder derivative actions, recovering hundreds of millions of dollars for the victims of corporate wrongdoing. He also has earned a reputation as a leading litigator in the antitrust and consumer protection arenas. Mr. Kaplan has been with Kaplan Fox for 30 years, joining in 1971.

Mr. Kaplan honed his litigation skills as a trial attorney with the U.S. Department of Justice. There, he gained significant experience litigating both civil and criminal actions. He

also served as law clerk to the Hon. Sylvester J. Ryan, then chief judge of the U.S. District Court for the Southern District of New York.

Mr. Kaplan's published articles include: "Complaint and Discovery In Securities Cases," *Trial*, April 1987; "Franchise Statutes and Rules," *Westchester Bar Topics*, Winter 1983; "Roots Under Attack: *Alexander v. Haley* and *Courlander v. Haley*," *Communications and the Law*, July 1979; and "Israeli Antitrust Policy and Practice," *Record of the Association of the Bar*, May 1971.

In addition, Mr. Kaplan served as an acting judge of the City Court for the City of Rye, N.Y., from 1990 to 1993.

Mr. Kaplan sits on the boards of several community organizations, including the Board of Directors of the Carver Center in Port Chester, N.Y., the Board of Directors of the Rye Free Reading Room in Rye, N.Y., and the Community Advisory Board for Greenwich Hospital in Greenwich, Conn.

**Education:**

- B.A., Williams College (1961)
- J.D., Columbia University Law School (1964)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1964)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Seventh, Ninth, and Eleventh Circuits
- U.S. District Courts for the Southern, Eastern, and Northern Districts of New York, the Central District of Illinois, and the District of Arizona

**Professional affiliations:**

- National Association of Securities and Commercial Law Attorneys (past President)
- Committee to Support the Antitrust Laws (past President)
- Advisory Group of the U.S. District Court for the Eastern District of New York
- American Bar Association
- Association of Trial Lawyers of America (Chairman, Commercial Litigation Section, 1985-86)
- Association of the Bar of the City of New York (served on the Trade Regulation Committee; Committee on Federal Courts)

Mr. Kaplan can be reached by email at: [RKaplan@kaplanfox.com](mailto:RKaplan@kaplanfox.com)

**FREDERIC S. FOX** Fred Fox first associated with Kaplan Fox in 1984, and became a partner in the firm in 1991. He has concentrated his work in the area of securities fraud litigation. Mr. Fox has played important roles in many major securities fraud cases. He was one of the lead trial lawyers in two recent securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.



Mr. Fox is the author of "Current Issues and Strategies in Discovery in Securities Litigation," ATLA, 1989 Reference Material; "Securities Litigation: Updates and Strategies," ATLA, 1990 Reference Material; and "Contributory Trademark Infringement: The Legal Standard after *Inwood Laboratories, Inc. v. Ives Laboratories*," University of Bridgeport Law Review, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the University of Bridgeport Law Review.

**Education:**

- B.A., Queens College (1981)
- J.D., Bridgeport School of Law (1984)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1985)
- U.S. Courts of Appeals for the Fourth, Fifth, and Sixth Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

**Professional affiliations:**

- American Bar Association
- Association of the Bar of the City of New York
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

Mr. Fox can be reached by email at: [FFox@kaplanfox.com](mailto:FFox@kaplanfox.com)

**RICHARD J. KILSHEIMER** first associated with Kaplan Fox in 1976, and became a partner in the firm in 1983. His practice is concentrated in the area of antitrust litigation, and he has played significant roles in several of the largest antitrust class actions in the country. He also practices in the areas of securities fraud and commercial litigation.

Prior to joining the firm, Mr. Kilsheimer served as law clerk to the Hon. Lloyd F. MacMahon (1975-76), formerly Chief Judge of the U.S. District Court for the Southern District of New York.

Mr. Kilsheimer is co-author of "Secondary Liability Developments," ABA Litigation Section, Subcommittee on Secondary Liability, 1991-1994.

**Education:**

- A.B., University of Notre Dame (1972)
- J.D., cum laude, St. John's University (1975)

**Bar affiliations and court admissions:**

- State of New York (1976)
- U.S. Court of Appeals for the Second Circuit (1983)
- U.S. District Courts for the Southern and Eastern Districts of New York (1976) and the Northern District of Indiana (1987)

**Professional affiliations:**

- Association of the Bar of the City of New York
- Federal Bar Council
- Committee to Support the Antitrust Laws
- Association of Trial Lawyers of America

Mr. Kilsheimer can be reached by email at: [RKilsheimer@kaplanfox.com](mailto:RKilsheimer@kaplanfox.com)

**GREGORY K. ARENSON** is a seasoned business litigator with experience representing clients in a variety of areas, including antitrust, securities, employee termination, fraud, contract, and unfair competition. His economics background provides unique insights on antitrust liability and damages issues. Mr. Arenson has been a partner in the firm since 1993.

Prior to joining Kaplan Fox, Mr. Arenson was a partner with Proskauer Rose. Earlier in his career, he was a partner with Schwartz Klink & Schreiber, and an associate with Rudnick & Wolfe (now Piper Marbury).

Mr. Arenson writes frequently on discovery issues and the use of experts. Recently published articles include: "Who Should Bear the Burden of Producing Electronic Information?" 7 *Federal Discovery News*, No. 5, at 3 (April 2001); "Work Product vs. Expert Disclosure – No One Wins," 6 *Federal Discovery News*, No. 9, at 3 (August 2000); "Practice Tip: Reviewing Deposition Transcripts," 6 *Federal Discovery News*, No. 5, at 13 (April 2000); and "The Civil Procedure Rules: No More Fishing Expeditions," 5 *Federal Discovery News*, No. 9, at 3 (August 1999). He was also co-author of "The Good, the Bad and the Unnecessary: Comments on the Proposed Changes to the Federal Civil Discovery Rules," 4 *NYLitigator* 30 (December 1998); co-author of "The Search for Reliable Expertise: Comments on Proposed Amendments to the Federal Rules of Evidence," 4 *NYLitigator* 24 (December 1998); co-editor of *Federal Rules of Civil Procedure, 1993 Amendments, A Practical Guide*, published by the New York State Bar Association; and a co-author of "Report on the Application of Statutes of Limitation in Federal Litigation," 53 *Albany Law Review* 3 (1988).

Mr. Arenson's *pro bono* activities include service as a mediator in the U.S. District Court for the Southern District of New York. In addition, he is an active alumnus of the Massachusetts Institute of Technology, serving as a member of the Corporation, a member of the Corporation Development Committee, vice president of the Association of Alumni/ae, and member of the Alumni/ae Fund Board (of which he was a past chair).

**Education:**

- S.B., Massachusetts Institute of Technology (1971)
- J.D., University of Chicago (1975)

**Bar affiliations and court admissions:**

- Bar of the State of Illinois (1975)
- Bar of the State of New York (1978)
- U.S. Supreme Court

- U.S. Courts of Appeals for the Second and Seventh Circuits
- U.S. District Courts for the Northern and Central Districts of Illinois, and the Southern and Eastern Districts of New York
- U.S. Tax Court

**Professional affiliations:**

- New York State Bar Association, Federal Litigation Section, Committee on Federal Procedure (Chairman since 1997)
- Association of the Bar of the City of New York
- American Bar Association
- Member, advisory board, Federal Discovery News (1999 – present)

Mr. Arenson can be reached by email at: [GArenson@kaplanfox.com](mailto:GArenson@kaplanfox.com)

**JONATHAN K. LEVINE** first associated with Kaplan Fox in 1988, and became a partner in the firm in 1995. Mr. Levine is a resident partner in the firm's San Francisco office. He has concentrated his work in the areas of securities fraud and consumer fraud litigation. Mr. Levine has been one of the lead counsel in a number of major securities fraud and consumer fraud class actions.

Mr. Levine is the author of "E-Mail and Voice Mail Discovery Issues," Glasser LegalWorks (1998); "Discovery Techniques in Commercial Litigation and Recent Developments In the Rules of Discovery," American Trial Lawyers Association (1991); and the co-author of "The Business Judgment Rule and Derivative Actions," Practicing Law Institute (1989). He has lectured on consumer fraud and predatory lending litigation, securities litigation under the Private Securities Litigation Reform Act of 1995, and computer discovery and electronic data retention risk control.

**Education:**

- B.A., Columbia University (1985)
- J.D., Fordham University School of Law (1988)

**Bar affiliations and court admissions:**

- Bar of the State of Connecticut (1988)
- Bar of the State of New York (1989)
- Bar of the State of California (2002)
- U.S. Supreme Court (1997)
- U.S. Courts of Appeals for the Second, Fourth, Ninth and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York, the Northern, Central and Southern Districts of California, and the Northern District of Texas

**Professional affiliations:**

- New York State Bar Association
- California State Bar Association

- Connecticut Bar Association
- American Bar Association (Chair: Director and Officer Liability Subcommittee, 2002-2003)
- Association of the Bar of the City of New York
- Association of Trial Lawyers of America

Mr. Levine can be reached by email at: [JLevine@kaplanfox.com](mailto:JLevine@kaplanfox.com)

**LAURENCE D. KING** Larry King first associated with Kaplan Fox in 1994, and became a partner in the firm in 1998. Mr. King, who practices in the areas of securities and consumer litigation, is a resident partner in the firm's San Francisco office. Mr. King has played a substantial role in cases that have resulted in some of the largest recoveries obtained by Kaplan Fox and was one of the lead trial lawyers in two recent securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.

Prior to joining Kaplan Fox, Mr. King honed his litigation skills as an assistant district attorney for New York County, where he tried numerous felony prosecutions to a jury verdict.

**Education:**

- B.S., Wharton School of the University of Pennsylvania (1985)
- J.D., Fordham University School of Law (1988)

**Bar affiliations and court admissions:**

- Bar of the State of Connecticut (1988)
- Bar of the State of New York (1989)
- Bar of the State of New Jersey (1993)
- Bar of the Commonwealth of Pennsylvania (1993)
- Bar of the State of California (2000)
- U.S. District Courts for the District of New Jersey, the Eastern District of Pennsylvania, the Southern and Eastern Districts of New York, and the Central District of California

**Professional affiliations:**

- New York State Bar Association
- New Jersey State Bar Association
- San Francisco Bar Association
- American Bar Association

Mr. King can be reached by email at: [LKing@kaplanfox.com](mailto:LKing@kaplanfox.com)

**JOEL B. STRAUSS** first associated with Kaplan Fox in 1992, and became a member of the firm in 1999. He practices in the area of securities and consumer fraud class action litigation, with a special emphasis on accounting and auditing issues.

Prior to joining Kaplan Fox, Mr. Strauss served as a senior auditor with one of the former "Big Eight" accounting firms. Combining his accounting background and legal skills, he has

played a critical role in successfully prosecuting numerous securities class actions across the country on behalf of shareholders. Mr. Strauss was one of the lead trial lawyers for the plaintiffs in the first case to go to trial and verdict under the Private Securities Litigation Reform Act of 1995.

Although currently practicing exclusively in the area of law, Mr. Strauss is a licensed Certified Public Accountant in the State of New York.

**Education:**

- B.A., Yeshiva University (1986)
- J.D., Benjamin N. Cardozo School of Law (1992)

**Bar affiliations and court admissions:**

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. District Courts for the Southern and Eastern Districts of New York and the District of New Jersey

**Professional affiliations:**

- American Bar Association (member, Litigation Section, Rule 23 Subcommittee)
- Association of the Bar of the City of New York
- New York State Bar Association
- American Institute of Certified Public Accountants

Mr. Strauss can be reached by email at: [JStrauss@kaplanfox.com](mailto:JStrauss@kaplanfox.com)

**CHRISTINE FOX** has been associated with Kaplan Fox since 1995. She practices in the areas of securities and antitrust litigation.

**Education:**

- B.S., Cornell University (1992)
- J.D., University of Michigan Law School (1994)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1995)
- U.S. District Courts for the Southern and Eastern Districts of New York

**Professional Affiliations:**

- American Bar Association
- New York State Bar Association
- New York County Lawyers Association
- Bar Association of the City of New York

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**HAE SUNG NAM** has been associated with Kaplan Fox since 1999. She practices in the areas of securities and antitrust litigation.

Prior to joining the firm, Ms. Nam was an associate with Kronish Lieb Weiner &

Hellman LLP, where she trained in corporate securities law and mergers and acquisitions. She also served as an intern for the U.S. Department of Justice, Antitrust Division.

During law school, Ms. Nam was a member of the George Washington University Law Review. She is the author of a case note, "Radio – Inconsistent Application Rule," 64 Geo. Wash. L. Rev. (1996).

**Education:**

- B.A., magna cum laude, Syracuse University (1994)
- J.D., with honors, George Washington University School of Law (1997)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1998)
- U.S. District Court for the Eastern District of Wisconsin

**Professional affiliations:**

- New York State Bar Association
- American Bar Association

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**LORI S. BRODY** practices in the area of complex litigation. She first became associated with Kaplan Fox in 2001, and is resident in the firm's Los Angeles office.

**Education:**

- B.A., University of California, Berkeley (1987)
- J.D., University of California, Los Angeles (1990)

**Bar affiliations and court admissions:**

- Bar of the State of California (1990)
- U.S. District Courts for the Northern, Central and Southern Districts of California

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**ADAM M. WALSH** has been associated with Kaplan Fox since 2001. He practices in the areas of securities and antitrust litigation.

Prior to joining the firm, Mr. Walsh was an institutional equity trader for Bankers Trust N.Y. In addition, he served as Special Assistant District Attorney for the State of New York.

**Education:**

- B.A., magna cum laude, The Catholic University of America (1992)
- J.D., University of Connecticut School of Law (1997)

**Bar affiliations and court admissions:**

- Bar of the State of Connecticut (1997)
- Bar of the State of New York (1998)
- U.S. District Courts for the Southern and Eastern Districts of New York and the District of Connecticut



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**DONALD R. HALL** has been associated with Kaplan Fox since 1998. He practices in the areas of antitrust, securities, and civil litigation.

During law school, Mr. Hall was a member of the Fordham Urban Law Journal and a member of the Fordham Moot Court Board. He also participated in the Criminal Defense Clinic, representing criminal defendants in federal and New York State courts on a pro-bono basis.

**Education:**

- B.A., College of William and Mary (1995)
- J.D., Fordham University School of Law (1998)

**Bar affiliations and court admissions:**

- Bar of the State of Connecticut (2001)
- Bar of the State of New York (2001)

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**JASON A. ZWEIG** became associated with Kaplan Fox in January 2003. He practices in the areas of securities, antitrust, and other areas of civil litigation.

Prior to joining the firm, Mr. Zweig was an associate with Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation.

During law school, Mr. Zweig was Executive Editor for the Columbia Journal of Environmental Law.

**Education:**

- B.S., Indiana University (1995)
- J.D., Columbia University School of Law (1998)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1999)
- U.S. Dist. Court for the Southern District of New York (2000)
- U.S. Dist. Court for the Eastern District of New York (2000)
- United States Court of Appeals for the Third Circuit (2001)

**Professional affiliations:**

- Association of the Bar of the City of New York

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**SHELLEY THOMPSON** has been associated with Kaplan Fox since 2001. She practices in the areas of securities, consumer fraud, and antitrust.

During law school, she clerked for a judge on the United States Court of Appeals for the Fourth Circuit. She also worked in the International Human Rights Law Clinic, serving clients in the areas of U.S. asylum law, U.S. criminal law in the alien context, and international human rights law. Also during law school, she interned for the National Security Archives, researching U.S. civil law remedies for international crimes. Ms. Thompson is proficient in Spanish.

**Education:**

- B.A., Political Science, University of Colorado (1996)
- J.D., American University, Washington College of Law (2001)
- M.A., International Affairs, American University (2001)

**Bar affiliations and court admissions:**

- Bar of the State of New York (2002)
- Bar of the State of New Jersey (2001)
- U.S. District Court for the District of New Jersey (2001)

**Professional affiliations:**

- New York State Bar Association (2000)
- Association of the Bar of the City of New York (2000)

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**MARY G. MORRIS** practices in the area of securities litigation. She associated with the firm in 2002. Prior to joining Kaplan Fox, Ms. Morris served as Treasurer of Virginia and before that served as Virginia's Senior Assistant Attorney General for Finance and Tax, responsible for all the Commonwealth's tax litigation.

**Education:**

- B. A., with distinction, Christopher Newport College of the College of William and Mary (1976)
- J.D., Marshall-Wythe School of Law, College of William and Mary (1981)
- M.L. & T., Marshall-Wythe School of Law, College of William and Mary (1982)

**Bar affiliations and court admissions:**

- Bar of the State of Virginia (1981)
- U.S. Supreme Court
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Courts for the Eastern and Western Districts of Virginia

**Professional affiliations:**

- Virginia State Bar Association
- Virginia Women Attorneys Association
- National Association of Bond Lawyers

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**W. MARK MCNAIR** practices in the area of securities litigation with a special emphasis on institutional investor involvement. He associated with the firm in 2003, and is resident in Washington, D.C. Prior to entering private practice, he was an attorney at the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.



**Education:**

- B.A. with honors, University of Texas at Austin (1972)
- J.D. University of Texas at Austin (1975)
- L.L.M. (Securities) Georgetown University (1989)

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**HORACE SCHOW, II** As General Counsel of the Florida State Board of Administration from 1984 through 2001, Horace Schow II was responsible for advising this \$115 billion trust fund regarding securities litigation issues. From this experience he has gained a deep respect for and understanding of the duties of state retirement systems to obtain the best result possible in securities litigation for the funds' beneficiaries.

Mr. Schow is widely recognized as a leading authority on the issues of retirement systems and institutional investor involvement in securities litigation. He has lectured on this subject on numerous occasions. Prior to serving as General Counsel for the Florida State Board of Administration, he was Senior Attorney in the State of Florida Division of Bond Finance and Assistant Attorney General, Civil Division, for the State of Florida.

**Education:**

- B.S, United States Military Academy, West Point (1955)
- M.S. (Nuclear Engineering) and M.S. (Civil Engineering), Massachusetts Institute of Technology (1961)
- J.D., Florida State University College of Law (1977)

**Background:**

- Officer in U.S. Army Corps of Engineers (1955-75)

**Bar affiliations and court admissions:**

- Member, Bar of the State of Florida (1978)
- Member, Bar of the United States Supreme Court (1981)
- Member, District of Columbia Court of Appeals (2000)
- Member, Patent Bar

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**LINDA M. FONG** practices in the areas of general business and consumer protection class action litigation. She has been associated with Kaplan Fox since 2001, and is resident in the firm's San Francisco office. Ms. Fong serves on the Board of the San Francisco Trial Lawyers Association and is active in its Women's Caucus.

**Education:**

- J.D., University of San Francisco School of Law (1985)
- B.S., with honors, University of California, Davis
- Elementary Teaching Credential, University of California, Berkeley

**Bar affiliations and court admissions:**

- Bar of the State of California (1986)
- U.S. District Courts for the Northern and Eastern Districts of California
- U.S. Court of Appeals for the Ninth Circuit

**Professional affiliations:**

- San Francisco Trial Lawyers Association
- Asian American Bar Association
- Bar Association of San Francisco
- Trial Lawyers for Public Justice
- Consumer Attorneys of California

**Awards:**

- Presidential Award of Merit
- Consumer Attorneys of California, 2000

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**GARY L. SPECKS** practices primarily in the area of complex antitrust litigation. He has represented plaintiffs and class representatives at all levels of litigation, including appeals to the U.S. Courts of Appeals and the U.S. Supreme Court. In addition, Mr. Specks has represented clients in complex federal securities litigation, fraud litigation, civil RICO litigation, and a variety of commercial litigation matters. Mr. Specks is resident in the firm's Chicago office.

During 1983, Mr. Specks served as special assistant attorney general on antitrust matters to Hon. Neil F. Hartigan, then Attorney General of the State of Illinois.

**Education:**

- B.A., Northwestern University (1972)
- J.D., DePaul University College of Law (1975)

**Bar affiliations and court admissions:**

- Bar of the State of Illinois (1975)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

**Professional affiliations:**

- American Bar Association
- Illinois Bar Association
- Chicago Bar Association

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**WILLIAM J. PINILIS** practices in the areas of commercial, consumer and securities class action litigation.

He has been associated with Kaplan Fox since 1999, and is resident in the firm's New Jersey office.

In addition to his work at the firm, Mr. Pinilis has served as an adjunct professor at Seton Hall School of Law since 1995, and is a lecturer for the New Jersey Institute for Continuing Legal Education. He has lectured on consumer fraud litigation and regularly teaches the mandatory continuing legal education course Civil Trial Preparation.

Mr. Pinilis is the author of “Work-Product Privilege Doctrine Clarified,” *New Jersey Lawyer*, Aug. 2, 1999; “Consumer Fraud Act Permits Private Enforcement,” *New Jersey Law Journal*, Aug. 23, 1993; “Lawyer-Politicians Should Be Sanctioned for Jeering Judges,” *New Jersey Law Journal*, July 1, 1996; “No Complaint, No Memo – No Whistle-Blower Suit,” *New Jersey Law Journal*, Sept. 16, 1996; and “The *Lampf* Decision: An appropriate Period of Limitations?” *New Jersey Trial Lawyer*, May 1992.

**Education:**

- B.A., Hobart College (1989)
- J.D., Benjamin Cardozo School of Law (1992)

**Bar affiliations and court admissions:**

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. District Courts for the District of New Jersey, and the Southern and Eastern Districts of New York

**Professional affiliations:**

- Morris County Bar Association
- New Jersey Bar Association
- Graduate, Brennan Inn of Court

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**CHARLES J. MOXLEY, JR.** Charles Moxley practices in the areas of securities, insurance, commercial, corporate, and general civil litigation, as well as performing arbitration and appellate work. He has been associated with Kaplan Fox since 1994.

Mr. Moxley started his career as an associate at Davis Polk & Wardwell, and thereafter was a member of several New York City law firms. He has also served as a law professor at St. John’s University School of Law and as an adjunct professor at New York Law School, teaching courses in the litigation area, including federal and New York practice, evidence, and professional responsibility. Mr. Moxley has been an arbitrator on numerous substantial arbitrations before the American Arbitration Association in the securities, contract, intellectual property, employment, construction, and other areas. He has also served extensively as a special master in New York Supreme Court.

He is the author of *International Law and Nuclear Weapons in the Post Cold War World* (Austin & Winfield, 2000) (with forewords by Robert S. McNamara, David W. Leebron, and Kosta Tsipis).

Mr. Moxley's pro bono activities include service as Chair of the Independent Judicial Screening Committee for the designation of candidates for New York City Civil Judge. He is also a member of the board of the Lawyers' Committee for Nuclear Policy and a former board member of the Lawyers Alliance for World Security. In addition, he has served as New York City Law Industry Chair for the March of Dimes Walkathon.

During law school, Mr. Moxley served as managing editor of the Columbia Journal of Transnational Law. He then served as law clerk to the Hon. Thomas F. Croake of the U.S. District Court for the Southern District of New York.

**Education:**

- B.A., Fordham University (1965)
- M.A., Fordham University (1966)
- J.D., Columbia University School of Law (1969)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1969)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second and Seventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

**Professional affiliations:**

- American Bar Association
- Association of the Bar of the City of New York
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As of 3/3/03